

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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1/31/2014

BRENT SCHMIDT,

Plaintiff,

**STIPULATION AND
ORDER AS TO
ATTORNEY'S FEES**

-against-

THE CITY OF NEW YORK; POLICE LIEUTENANT
JOSEPH HAYWARD; JOHN DOES; and RICHARD ROES,

13CV0961 (DLC)

Defendants.

WHEREAS, plaintiff Brent Schmidt commenced this action by filing a complaint on or about February 11, 2013, alleging violations of his constitutional rights; and

WHEREAS, defendants City and Lieutenant Joseph Hayward have denied and continue to deny any and all liability arising out of plaintiff's allegations; and

WHEREAS, pursuant to the Rule 68 Offer of Judgment dated October 7, 2013 and accepted by plaintiff Brent Schmidt, plaintiff assigned his right to attorneys' fees, costs, and expenses to his counsel Jeffrey A. Rothman; and

WHEREAS, counsel for defendants and counsel for plaintiff now desire to resolve the issue of attorney's fees, costs, and expenses without further proceedings;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the respective parties to the above-captioned action, as follows:

1. Defendant City of New York shall pay to plaintiff's counsel, Jeffrey A. Rothman, the sum total of Eighteen Thousand Dollars (\$18,000.00) in full satisfaction of plaintiff's attorney's fees, expenses, and costs. Counsel for plaintiff hereby agrees and

represents that no other claims for attorney's fees, costs, or expenses arising out of this action shall be made by or on behalf of plaintiff Brent Schmidt in any application for attorney's fees, costs, or expenses at any time.

2. In consideration of the payment of Eighteen Thousand Dollars (\$18,000.00) by the City of New York, counsel for plaintiff does hereby release and discharge the defendants, City of New York, Lieutenant Joseph Hayward; their successors or assigns; and all past and present officials, employees, representatives and agents of the City of New York, or any agency thereof, from any and all claims of attorney's fees on behalf of Brent Schmidt, including expenses and costs which were or could have been alleged in the aforementioned action.

3. Nothing contained herein shall be construed to be an admission of liability by any defendants, Lieutenant Joseph Hayward or the City of New York, nor an admission that any of the allegations made by plaintiff are true or that defendants in any way violated any rights guaranteed to plaintiff by any constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, the City of New York, or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This Stipulation and settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations and nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.


4. The payment amount of Eighteen Thousand Dollars (\$18,000.00) to counsel for plaintiff shall constitute the reasonable attorney's fees, expenses and costs paid pursuant to the accepted Rule 68 Offer of Judgment.

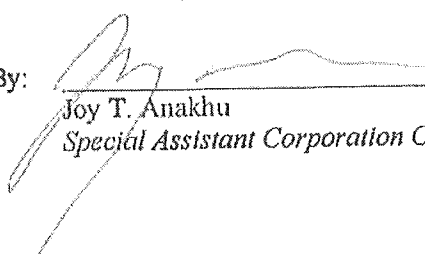
5. This Stipulation and Order contains all the terms and conditions agreed upon by the counsel for defendants and counsel for plaintiff hereto, and no oral agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of attorneys' fees, costs, or expenses shall be deemed to exist or to vary the terms and conditions contained herein.

Dated: New York, New York
Jan 30, 2014

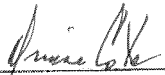
Jeffrey A. Rothman
Attorney for Plaintiff
315 Broadway, Suite 200
New York, NY 10007

JEFFREY D. FRIEDLANDER
Acting Corporation Counsel of the
City of New York
Attorney for Defendants City & Hayward
100 Church Street,
New York, NY 10007

By:  1/30/14
Jeffrey A. Rothman
Attorney for Plaintiff

By:  1/30/14
Joy T. Anakhu
Special Assistant Corporation Counsel

SO ORDERED:


HONORABLE DENISE L. COTE
UNITED STATES DISTRICT JUDGE

1/31/14

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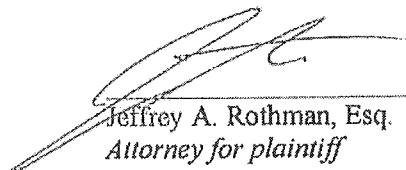
GENERAL RELEASE

KNOW THAT JEFFREY A. ROTHMAN, in consideration of the payment of Eighteen Thousand Dollars (\$18,000.00) by the City of New York, pursuant to the Stipulation and Order as to Attorney's Fees dated 01/30/2014 in the action entitled Brent Schmidt v. City of New York, et al., 13-CV-0961 (DLC) do hereby release and discharge the defendants; their successors or assigns; and all past and present officials, employees, representatives and agents of the City of New York, from any and all claims of attorney's fees, expenses and costs which were or could have been alleged in the aforementioned action on behalf of Brent Schmidt.

This Release may not be changed orally.

THE UNDERSIGNED HAVE READ THE FOREGOING RELEASE AND FULLY UNDERSTANDS IT.

Dated: New York, New York
January 30, 2014



Jeffrey A. Rothman, Esq.
Attorney for plaintiff